

>> My own statement:

I am a "high-tech" employee. I am a computer-user. I am a photographer. I am a consumer. I am an informed consumer. I am NOT a pirate.

I resent the entertainment industry assuming I am a pirate. I resent the industry's grab for more power over how I consume their content. Content that I pay for. Content that, for the most part, I enjoy having access to. Every month I spend in excess of \$100 for my satellite television access. I pay for HBO, for Showtime, for Cinemax, for Pay-per-view movies, for virtually every channel of television entertainment available.

I am a bleeding-edge technology early adopter. I bought DVD players when they were hundreds of dollars, and Blockbuster and Hollywood Video did not even have DVDs to rent. I've owned three MP3 players. I've converted my entire CD collection to MP3s for convenience, security, and love of music.

I've bought two TiVo personal video recorders. I use them constantly. If I could not use them to record premium content, why would I have bothered buying them? Why would I continue to subscribe to the movie channels if I could record and then delay watching movies until the weekend? or next week? or next month?

Why would I continue to subscribe to the premium satellite channels if I had to arrange my personal schedule just to see a movie when the network decided I should see it?

The companies and associations pushing for the broadcast flag either fail to realize, or intentionally ignore the fact that early-adopters are the very consumers that push new technology to success. The electronics industry would suffer lost sales, consumer complaints, and customer ill-will. Why should the electronics industry shoulder the burden of protecting content? Why should I? I don't want the broadcast flag.

Why should the government shoulder the responsibility to enact and enforce new laws and regulations to protect the entertainment industry? Why does it need more protection? There are already so many protections for copyright; protections that allow for federal prosecution of offenders.

I think they need the broadcast flag because they know that if they prosecuted or sued their own customers they wouldn't last very long in the free market. They want to protect us from ourselves I guess. Thanks, but I don't need to be protected.

The broadcast flag is the industry's latest salvo against fair-use doctrine. It won't be the last. We will all need to be vigilant.

"All that is necessary for evil to triumph is for good men to do nothing..."

- Edmund Burke

>>DigitalConsumer.org's default statement:

As a consumer of digital content, I have a grave concern about the proposed Broadcast Flag. I enjoy the flexibility and control that technology gives me. I can be more than a passive recipient of content; I can modify, create and participate. Technology currently gives me more choices by allowing me to record a television program and watch it later; clip a small piece of TV and splice it into a home movie; send an email clip of my child's football game to a distant

relative; or record a TV program onto a DVD and play it at my friend's apartment. The broadcast flag seems designed to remove this control and flexibility that I enjoy.

Historically, the law has allowed for those not affiliated with creating content to come up with new, unanticipated ways of using it. For example, Sony invented the modern VCR -- a movie studio did not. (Sony did not own a movie studio at the time.) Diamond Multimedia invented the MP3 player -- a recording label did not. Unfortunately, the broadcast flag has the potential to put an end to that dynamic. Because the broadcast flag defines what uses are authorized and which are not, unanticipated uses of content which are not foreseeable today are by default unauthorized. If we allow the content industry to "lock in" the definition of what is and is not legitimate use, we curtail the ability for future innovation - unanticipated but legal uses that will benefit consumers.

I am a law-abiding consumer who believes that piracy should be prevented and prosecuted. However, if theoretical prevention comes at the cost of prohibiting me from making legal, personal use of my content, then the FCC should be working to protect all consumers rather than enable those who would restrict consumer rights. In the case of the broadcast flag, it seems that it will have little effect on piracy. With file-sharing networks, a TV program has only to be cracked once, and it will propagate rapidly across the Internet. So, while I may be required to purchase consumer electronic devices that cost more and allow me to do less, piracy will not be diminished.

In closing, I urge you to require the content industry to demonstrate that its proposed technologies will allow for all legal uses and will actually achieve the stated goal of preventing piracy. If they cannot, I urge you not to mandate the broadcast flag.